

REMARKS

Applicant would like to thank the Examiner for withdrawing the restriction requirement in the Office Action dated August 23, 2007. Claims 1-38 are pending in the application. Claims 1, 2, 14, 15, and 27 are the only independent claims. Claims 1, 3, 4, 5, 7, 12, 14, 25, and 37 have been amended for matter of form only. Favorable reconsideration is respectfully requested.

In paragraph 1, the Examiner has rejected the abstract of the disclosure because of the use of word “therefrom” in the body of the abstract. Applicant has amended the abstract to overcome this rejection.

In paragraph 3, the Examiner has rejected claims 1-38 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner in the Office Action has taken the position that the claims or the specification do not mention how the merchant is settled in the online shopping transaction. Applicant respectfully traverses this rejection.

Support for how the merchant is settled in an online shopping transaction may be found at, for example, page 30, lines 9-15 of the Applicants' specification as filed and as follows:

When payment part 30 of payment-invoice device 25 has a request for online shopping charges from Web server 15, part 30 calculates online shopping charges that should be paid to Web server 15 based on the order slip and order confirmation slip recorded in slip storage 29 **and pays this to Web server 15 by a method such as deposit into a bank account.** An example of processes performed by payment part 30 in the case of payment on a per transaction basis is shown in FIG. 12.

In this embodiment, it is clear that the Web server is the merchant as it is the entity that is providing the online shopping services.

Support for how the merchant is settled in an online shopping transaction may also be found at, for example, page 31, lines 10-16 of the Applicants' specification as filed and as follows:

If the communication common carrier is invoiced by the Web shop concerning items for which the two slips being the order slip and order confirmation slip are prepared in slip storage 29, the communication common carrier advances the appropriate amount for charges. The communication common carrier collects Web shopping charges from the user at the same time as collecting telephone charges. The user receives the goods from the Web shop and pays the appropriate charges to the communication common carrier.

An example illustrating how the merchant is settled in an online shopping transaction may also be found at page 33, lines 17-23 of the Applicants' specification as filed and as follows:

The Web shop posts the 9800 yen fishing rod ordered to Taro Yamada and invoices the communication common carrier for 9800 yen. Settlement system 20 of the communication common carrier confirms that the appropriate order slip and order confirmation slip pair are prepared and recorded in slip storage 29 and pays the appropriate charges to the Web shop. Taro Yamada pays the 9800 yen together with appropriate telephone charges to the communication common carrier.

Furthermore, claim 13 recites "An online shopping settlement method according to any of claim 3 or 4, that at said step (c) calculates the online shopping charges that should be paid to said Web server based on said order slip and order confirmation slip recorded at said step (b) and pays those online shopping charges to said Web server." (Emphasis added). Clearly, claim 13 recites a settlement method that describes how the user settles the communication carrier by paying the Web server that is the merchant. Support for claim 13 is found in the specification and at least as cited above.

Applicant submits that the above quoted language from various sections of the specification, in conjunction with the claims, provides ample support to enable the invention as required by 35 U.S.C. § 112 first paragraph. Therefore, 35 U.S.C. § 112, first paragraph rejection should be withdrawn.

In paragraph 5, the Examiner has rejected claims 1-38 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1, 3, 4, 5, 7, 12, 14, 25, and 37 for

matter of form only as claims 1-38 are definite under 35 U.S.C. § 112. No claim has been narrowed in scope. It is clear from the claim language that an “online shopping settlement method and system” and “online shopping settlement program” are being claimed distinctly and definitely. Therefore, 35 U.S.C. § 112, second paragraph rejection should be withdrawn and the claims allowed.

In paragraph 7, the Examiner has rejected claims 1-38 under 35 U.S.C. § 102(e) as being anticipated by Nishimoto (Pub No. 2002/0143648), filed August 6, 2001. Applicant respectfully traverses this rejection.

The Office Action on Page 4 has cited Figures 6, 16-17, and 19 in rejecting claim 1. Claim 1 explicitly recites “said communication common carrier collecting the price of said online shopping services as **communication charges**, for transactions for which said order slip and said order confirmation slip are prepared, to **collect charges** that should be paid by said user terminal to said Web server” (Emphasis added). However, the method as recited in amended claim 1 is not disclosed in the figures or the cited language of Nishimoto.

For example, Figure 16 of Nishimoto does not disclose that “an order slip forwarded from a user terminal to a Web server providing online shopping services.” The figure does not disclose a Web server providing online shopping services and detecting an order confirmation slip that confirms receipt of the order slip forwarded from said Web server to the user terminal. Further, Figure 19 discloses calculating charges but does not disclose that the online shopping services are collected as communication charges. Therefore, the method as recited in amended claim 1 is not taught or suggested in Nishimoto.

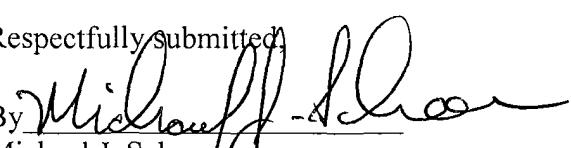
Claim 2, 14, 15 and 27 are correspond to claim 1 and have further limitations and are therefore allowable for the same reasons discussed in connection with claim 1. All other claims are dependent claim and include all of the limitations found in the independent claims. These dependent claims have further limitations which, in combination with the limitations of the

independent claims are neither disclosed nor suggested in the art of record. Therefore, all the dependant claims are allowable.

In view of the above amendment, applicant believes the pending application is in condition for allowance. No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Dated: November 21, 2007

Respectfully submitted,

By 

Michael J. Scheer

Registration No. 34,425
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicant